

Donald G. Davis (DGD 3282)
Nancy J. Kim (NJK 4569)
ELLENOFF GROSSMAN & SCHOLE LLP
370 Lexington Avenue, 19th Floor
New York, New York 10017
(212) 370-1300
Attorneys for Third-Party Defendant Integrated Brands, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
J&J SNACK FOODS SALES CORP.,

Plaintiff,

- against -

DOGSTERS, LLC,

Defendant.

-----X
DOGSTERS, LLC,

Third-Party Plaintiff,

- against-

INTEGRATED BRANDS, INC.,

Third-Party Defendant.

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PLEASE TAKE NOTICE, that upon the annexed Affidavit of Donald G. Davis, Esq., sworn to on September 6, 2007, and the exhibits annexed thereto, the accompanying Memorandum of Law, and all the pleadings and prior proceedings had herein, the Third-Party Defendant Integrated Brands, Inc. will move this Court before the Honorable Alvin K. Hellerstein, United States District Judge, at the United States Courthouse for the Southern District of New York , 500 Pearl Street, Courtroom 14D, New York, New York, on the 28th day of September, 2007, at 9:30 a.m. or as soon thereafter as counsel can be heard, for an Order,

07-CV-03917 (AKH)

NOTICE OF MOTION

pursuant to Fed. R. Civ. P. 12(b)(6), dismissing all of the claims in the Third-Party Complaint in this action with prejudice.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served upon the undersigned on or before September 20, 2007, pursuant to the relevant provisions of the Local Rules of the United States District Courts for the Southern District of New York.

Dated: New York, New York
September 6, 2007

ELLENOFF GROSSMAN & SCHOLE LLP
Attorneys for Third Party Defendant Integrated Brands, Inc.

By: 

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